

to the original organization of said district as a water improvement district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the board of directors of said district converting said district to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment, and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general and ad valorem taxes on all taxable property in said district; approving and validating all orders of the commissioners court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of constitutional notice required in the enactment of this act has been duly made; enacting provisions incident and necessary to the subject and purpose of this act; and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 6, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 7, Proposing an amendment to Section 5 of Article 4 of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas as required by the Constitution, and make appropriation therefor.

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 7, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 10, A bill to be entitled "An Act authorizing the creation of junior college districts; embracing the territory, fixing the assessed valuation, providing for the calling of an election,

the management and control of the junior college; number of trustees, how they should be elected, term of office; providing for the trustees to make affidavits before entering upon their duties, etc."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

## TWENTY-THIRD DAY.

(Friday, February 8, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Holder.
Ackerman.	Hopkins.
Adkins.	Hubbard.
Albritton.	Jenkins.
Anderson.	Johnson
Avis.	of Dimmit.
Baker.	Johnson of Scurry.
Baldwin.	Jones.
Barnett.	Justiss.
Bateman.	Kayton.
Beck.	Keeton.
Bond.	Keller.
Bounds.	Kemble.
Bradley.	Kennedy.
Brice.	Kenyon.
Brooks.	Kincaid.
Carpenter.	King.
Chastain.	Kinnear.
Coltrin.	Land.
Conway.	Lee.
Cox of Navarro.	Lemens.
Cox of Lamar.	Long of Houston.
Davis.	Long of Wichita.
DeWolfe.	Loy.
Dunlap.	Mankin.
Duvall.	Martin.
Enderby.	Mauritz.
Ewing.	Maynard.
Eickenroht.	McCombs.
Finlay.	McDonald.
Forbes.	McGill.
Fuchs.	McKean.
Gates.	Mehl.
Gerron.	Metcalf.
Gilbert.	Minor.
Giles.	Moore.
Graves	Morse.
of Williamson.	Mosely.
Graves of Erath.	Mullally.
Hardy.	Murphy.
Harding.	Negley.
Harman.	Nicholson.
Harrison.	Olsen.
Heaton.	O'Neill.
Hines.	Palmer.
Hogg.	Patterson.

Pavlica.	Stephens.
Petsch.	Stevenson.
Pool.	Storey.
Pope of Jones.	Strong.
Pope of Nueces.	Tarwater.
Prendergast.	Thompson.
Quinn.	Thurmond.
Ray.	Tillotson.
Reader.	Turner.
Reid.	Van Zandt.
Renfro.	Veatch.
Richardson.	Waddell.
Rogers.	Wallace.
Rountree.	Warwick.
Sanders.	Webb.
Savage.	Westbrook.
Shaver.	White.
Shelton.	Wiggs.
Sherrill.	Williams
Shipman.	of Travis.
Simmons.	Woodall.
Sinks.	Woodruff.
Smith.	Young.
Speck.	

Absent.

Hefley.	Snelgrove.
Purl.	

Absent—Excused.

Acker.	Montgomery.
Cox of Limestone.	Walters.
Finn.	Williams
Harper.	of Sabine.
Hornaday.	Williams
Johnson of Smith.	of Hardin.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Montgomery for today, on motion of Mr. Walters.

Mr. Hornaday for today, on motion of Mr. Gerron.

Mr. Snelgrove for today, on motion of Mr. Albritton.

The following members were granted leaves of absence on account of illness:

Mr. Cox of Limestone for today, on motion of Mr. Tarwater.

Mr. Harper for today and tomorrow, on motion of Mr. Baker.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. White:

H. B. No. 623, A bill to be entitled "An Act to prevent deception in the sale of paints, oils, naval stores, turpentine, and providing for true labels for the same when offered for sale."

Referred to Committee on Public Health.

By Mr. Reid:

H. B. No. 624, A bill to be entitled "An Act to amend Chapter 39 of the Local and Special Laws enacted by the Thirty-second Legislature at its Regular Session, convened on January 10th, 1911, and adjourned on March 11, 1911, and approved on March 13th, 1911, the same being a special road law for Fisher county, Texas, by adding thereto Sections 15 and 16, authorizing the commissioners court of Fisher county to issue bonds of said county for the purpose of funding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof."

Referred to Committee on Highways and Motor Traffic.

By Mr. Woodruff:

H. B. No. 625, A bill to be entitled "An Act to amend Article 190a of Title 7, of the Revised Civil Statutes of 1925 of the State of Texas, providing for the destruction of certain animals in Wise county."

Referred to Committee on Game and Fisheries.

By Mr. Gates:

H. B. No. 626, A bill to be entitled "An Act providing that no expense account shall ever be required to be filed of the expenses of a candidate for public office in any primary or general election."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Kinnear and Mr. Nicholson:

H. B. No. 627, A bill to be entitled "An Act authorizing the commissioners court of Jefferson county, Texas, to purchase not exceeding two automobiles for the use of the county tax assessor, to be used by said assessor while actually engaged in the discharge of his official duties, and providing for reports of repairs thereon and maintenance, to be made to the county auditor, and limiting the amount to be expended for the purchase of said automobiles."

Referred to Committee on Counties.

By Mr. Tillotson and Mr. Sherrill:

H. B. No. 628, A bill to be entitled "An Act to assist in the prevention of the theft of motor vehicles in Texas; requiring the owner of every motor vehicle to acquire certificate of title from county tax collector, and requiring each such owner to acquire from county tax collector an affix on vehicle, registration card, container and seal."

Referred to Committee on Highways and Motor Traffic.

By Mr. Hines, Mr. Harper and Mr. Simmons:

H. B. No. 629, A bill to be entitled "An Act prohibiting the sale of fish during the months of February and March in Cass, Bowie, Morris and Titus counties."

Referred to Committee on Game and Fisheries.

By Mr. Woodruff and Mr. Finn:

H. B. No. 630, A bill to be entitled "An Act to give and grant to Mr. and Mrs. C. T. Clark, the parents of Luther Clark, a minor, deceased, leave and permission to prosecute in the proper courts of Montgomery county, Texas, suit or suits against the State of Texas and R. S. Sterling, Cone Johnson and W. R. Ely, as Highway Commissioners of the State of Texas, in their official capacity only, for personal injuries and expenses caused to the said Luther Clark and for loss of services to the said Mr. and Mrs. C. T. Clark by reason of such injuries to the said Luther Clark."

Referred to Committee on State Affairs.

By Mr. Woodruff and Mr. Finn:

H. B. No. 631, A bill to be entitled "An Act to give and grant to W. G. McDonald, a minor, acting by and through his father, Charles McDonald, his next friend, or other person so acting, leave and permission to prosecute in the proper courts of Montague county, Texas, suit or suits against the State of Texas and R. S. Sterling, Cone Johnson and W. R. Ely, as Highway Commissioners of the State of Texas, in their official capacity only, for personal injuries to the said W. G. McDonald, and giving and granting to the said Charles McDonald, in the same suit or otherwise, to prosecute against the State of Texas and the said R. S. Sterling, Cone Johnson and W. R. Ely, as High-

way Commissioners of the State of Texas, in their official capacity only, for the recovery of the value of or damage to a certain Chevrolet automobile."

Referred to Committee on State Affairs.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 274, "An Act to amend Article 955, Revised Criminal Statutes of 1925, by exempting Hunt and Rains counties from the provisions thereof, and declaring an emergency."

H. B. No. 174, "An Act validating the creation and organization of San Benito Cameron County Drainage District Number Three, in Cameron county, Texas, as originally created and organized under Article 3, Section 52, of the Constitution of the State of Texas, and validating the bonds heretofore issued by said district and the contracts made and indebtedness incurred by it; defining its boundaries; providing that said district shall be and is converted and created a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas and the general laws not inconsistent therewith."

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Quinn, House bill No. 381 was ordered not printed.

On motion of Mr. Finlay, House bills Nos. 568, 591 and 493 were ordered not printed.

#### COMMITTEE AMENDMENTS ORDERED PRINTED.

On motion of Mr. Conway, the committee amendments to House bills Nos. 314 and 270 were ordered printed instead of the original bills.

#### BILL ORDERED PRINTED.

On motion of Mr. Barnett, House bill No. 602, reported adversely with a minority favorable report, was ordered printed.

#### MOTION TO NOT PRINT.

Mr. Kenyon moved that House bill No. 608 be not printed.

The motion was lost.

# COMMUNICATION TO HONORABLE RAY HOLDER.

The Speaker laid before the House and had read the following communication:

Dallas, Texas, February 7, 1929.  
Ray Holder, Representative, Austin, Texas:

The people of Dallas county are very much concerned about having the auto registration fees reduced. They are willing to pay three or four cents per gallon on gasoline provided the license tax is lowered at least fifty or seventy-five per cent. They are looking to our Dallas county members to contend sharply for such reduction.

JOHN H. CULLOM,  
County Tax Collector.

# COMMUNICATIONS IN REGARD TO PURCHASE OF ALAMO PARK LAND.

On motion of Mr. Anderson, the following communications were ordered printed in the Journal:

Corpus Christi, Texas, February 1, 1929.

Hon. P. L. Anderson, House of Representatives, Austin, Texas.

My Dear Sir: We wish to advise that we strongly favor and urge the passage of the Alamo Park Purchase Bill.

We deem it fitting and necessary that the Alamo, the cradle of Texas liberty, and its surroundings should be owned and controlled by the State of Texas. If only one park should be State-owned and controlled it should be this hallowed spot which is consecrated with the blood of those heroic martyrs who gave their all for Texas.

We sincerely trust that you will call upon us for any assistance you may desire in the passage of this bill.

Yours very truly,

RAY LEEMAN, General Manager.

San Antonio, Texas, February 7, 1929.  
Honorable P. L. Anderson, care House of Representatives, Austin, Texas.

Dear Mr. Anderson: You will possibly be interested in knowing that the legislative committee of the Chamber of Commerce of the city of San Antonio, Texas, has unanimously approved and endorsed the bill providing for the acquisition of the grounds surrounding the Alamo in the city of San Antonio, Texas, and sincerely hope that the bill will be passed by both houses of the Legislature.

Your interest in this bill is appre-

ciated and deserving of the commendation of the entire citizenship of this State.

Sincerely yours,  
WALTER P. NAPIER,

Chairman Legislative Committee, Chamber of Commerce, City of San Antonio, Texas.

# TO PROVIDE FOR COMMITTEE TO INVESTIGATE CERTAIN OIL COMPANIES.

The Speaker laid before the House, for consideration at this time, the following resolution:

A Simple Resolution to memorialize the Congress of the United States to appoint a proper committee with full authority to immediately inquire into and investigate acts and actions of Federal agents and others, including unlawful conduct of oil promoters, independent oil operators and major and minor oil companies within the State of Texas:

Whereas, It is alleged that hundreds of leading, reputable and representative citizens of the State of Texas have repeatedly complained of an orgy of drastic persecution of many independent and pioneer oil men, and so-called oil promoters, in Texas during the past ten years, instigated by, or at the hands of Federal agents, postal inspectors and alleged go-between men, which has caused untold injury to the oil industry, and to widespread persons as investors in general, and the State of Texas in particular; and

Whereas, It is alleged and can be proved by records, documentary evidence, and the testimony of competent and qualified witnesses, before a congressional investigating committee, that the actual value of oil properties dissipated through the improper acts of many receivers of such companies, amounts to between two hundred millions and three hundred million dollars; all of which has been lost, not to the managers, officers, or operators of such companies, but many, many times greater has been the loss to the actual owners of said properties (namely, the land owners and royalty owners, and particularly to the thousands upon thousands of investors who have invested their money in good faith in the natural development of the resources of this State) and who through suffering these losses, and by being misinformed as to conditions concerning such acts of liquidations by receivers; and who through misleading propaganda sup-

plied to them by special interests, have as a result of these things placed a stigma of fraud and deception on the fair name of the good State of Texas; now, therefore, be it

Resolved by the House of Representatives of the Forty-first Legislature of the State of Texas, in Regular Session assembled, That it does hereby memorialize and request the Congress of the United States to appoint a proper committee with full authority to immediately inquire into and investigate acts and actions of Federal agents in their various capacities, and others, including the unlawful conduct of oil promoters, independent oil operators, and major and minor oil companies, within the State of Texas, during the past ten years to determine the direct cause of resultant widespread financial loss and bankruptcy of countless individuals scattered throughout the United States of America, being shareholders of such companies; and to also determine the underlying cause of these unjust, unreasonable, and unusual matters pertaining thereto; be it further

Resolved, That the Speaker of the House of Representatives of the Forty-first Legislature of Texas direct and cause to be forwarded copies of this resolution to each and all of the United States Senators from Texas, and to each and all of the Congressmen of the respective congressional districts of the State of Texas.

The resolution having been read second time on January 21 and ordered not printed in the Journal at that time.

Mr. Anderson moved to table the resolution.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—73.

Anderson.	Gates.
Barnett.	Gilbert.
Bateman.	Graves
Beck.	of Williamson.
Bradley.	Harrison.
Brooks.	Hogg.
Chastain.	Hopkins.
Coltrin.	Jenkins.
Conway.	Johnson
Cox of Lamar.	of Dimmit.
DeWolfe.	Johnson of Scurry.
Dunlap.	Justiss.
Duvall.	Kayton.
Enderby.	Kemble.
Ewing.	Kenyon.
Forbes.	Kincaid.
Fuchs.	Kinnear.

Lee.  
Lemens.  
Mankin.  
Martin.  
Mauritz.  
Maynard.  
McCombs.  
McGill.  
McKean.  
Mehl.  
Moore.  
Morse.  
Negley.  
Nicholson.  
Olsen.  
O'Neill.  
Patterson.  
Pool.  
Prendergast.  
Reader.  
Reid.

Rogers.  
Rountree.  
Savage.  
Shaver.  
Shipman.  
Sinks.  
Smith.  
Speck.  
Storey.  
Strong.  
Thompson.  
Thurmond.  
Turner.  
Van Zandt.  
Warwick.  
Webb.  
Westbrook.  
Wiggs.  
Woodruff.  
Young.

Nays—35.

Ackerman.	Land.
Adkins.	Long of Houston.
Albritton.	McDonald.
Baker.	Mosely.
Bounds.	Murphy.
Brice.	Palmer.
Carpenter.	Quinn.
Davis.	Renfro.
Eickenroht.	Richardson.
Gerron.	Shelton.
Giles.	Sherrill.
Graves of Erath.	Simmons.
Hardy.	Stephens.
Harding.	Tarwater.
Hines.	Veatch.
Holder.	Wallace.
Kennedy.	Woodall.
King.	

Present—Not Voting.

Heaton.	Jones.
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Absent.

Avis.	Pavlica.
Baldwin.	Pope of Jones.
Cox of Navarro.	Pope of Nueces.
Finlay.	Purl.
Harman.	Ray.
Hefley.	Sanders.
Hubbard.	Snelgrove.
Keeton.	Tillotson.
Keller.	Waddell.
Long of Wichita.	White.
Loy.	Williams
Metcalf.	of Travis.
Mullally.	

Absent—Excused.

Acker.	Harper.
Bond.	Hornaday.
Cox of Limestone.	Johnson of Smith.
Finn.	Minor.

Montgomery. Williams.  
 Petsch. of Sabine.  
 Stevenson. Williams  
 Walters. of Hardin.

#### COMMUNICATION IN REGARD TO HIGHWAY LEGISLATION.

The Speaker laid before the House and had read the following communication:

Plano, Texas, February 6, 1929.

Hon. M. E. O'Neill, Austin, Texas.

Dear Sir: May I offer you a suggestion on highway legislation (as everyone else is doing). After talking to many people in various sections of the county, I find that not many are opposed to increase in gas tax and license fees to remain as they are, or about the same, provided that all license fees be retained in the county. If this is done then the country people will be able to enjoy our highways the same as others as they will have enough money to improve lateral roads so they can reach the highways. One other suggestion which I believe to be worth while, especially to Collin county, and that is that it be compulsory to register your motor vehicle in the county in which you reside. This would mean many dollars to Collin county road funds.

Hoping that you will be successful in getting Section 7 amended.

Yours very truly,

PAUL H. BLANKE.

#### RELATING TO PASSAGE OF HOUSE BILL NO. 162.

The Speaker laid before the House and had read the following communication:

Washington, D. C., February 2, 1929.

Hon. Leonard Tillotson, House of Representatives, Austin, Texas.

It is with reluctance that I seek to interfere or influence legislation by Texas. The very serious consequences to Texas of the enactment of House bill No. 162, the Webb bill, as amended, is my justification of this telegram. The bill provides that pink boll worm must be found in the presence of the owner or agent of the land, which is rarely the case. This section could be amended to provide for notification to the owners or agent of the finding of such worm and an opportunity of inspection afforded. Another provision of the bill provides for State ownership and operation of fumigating and sterilizing machinery, which may cause un-

necessary delays in fighting new outbreaks of this pest and hardship to cotton producers in the event enforcement of Federal quarantine necessary and State funds were not available either for quarantine, fumigation or sterilization purposes, unless, of course, the State adopts a policy of keeping an available appropriation on hand to meet sudden emergencies created by new outbreaks or new infestation of this pest. Another provision of the bill provides for automatic release of regulated or restricted areas within twelve months. This pest in stages of its development often stays in hibernation for two years, therefore this provision would not only render useless the money spent in the regulated areas for the twelve months' period, but would inevitably result in the entire State being quarantined against interstate shipments of cotton and cotton products. This by reason of the fact that the Federal government can not quarantine against any particular section of a State, but must quarantine, if at all, against the entire State. Therefore, if the Federal Horticultural Board did not see proper to make the showing provided for in the bill that the restricted area should not be released after twelve months or if the Pink Boll Worm Commission did not agree with the Federal State Horticultural Board in such showing, then a Federal Statewide quarantine would follow or the Southern cotton States that consume one-half of the cotton produced in the South would quarantine against Texas. So far through co-operation between Texas and the Federal government we have prevented the most destructive cotton pest known from gaining a foothold in the cotton-producing area in our State. The interests involved are too great and the consequences too serious for us to depart from a successful and established course of co-operation to risk the vital interest of all the cotton producers of Texas and the South. In West Texas the climatic condition is such that the pink boll worm will never prosper there or do material damage and yet constitute a breeding ground from which the pink boll worm will probably infest the real cotton belt of Texas and cause irreparable loss to the Nation.

J. P. BUCHANAN.

#### PROVIDING FOR COMMITTEE TO VISIT MERIDIAN COLLEGE.

Mr. Lemens called up, for consideration at this time, Senate concurrent

resolution No. 14, relating to Meridian College, the resolution having heretofore been read second time.

Question recurring on the resolution, it was adopted.

#### SENATE BILL NO. 105 ON FINAL PASSAGE.

The Speaker laid before the House, as unfinished business, on its final passage,

S. B. No. 105, A bill to be entitled "An Act to amend Article 4552 of Chapter 10, Title 71, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill having heretofore been read third time.

Mr. Wallace offered the following amendment to the bill:

Amend Senate bill No. 105 at end of Article 4552 by adding the following: "Nothing herein shall be construed to prevent selling ready-to-wear spectacles or eyeglasses as merchandise at retail, nor to prevent simple repair jobs."

The amendment was adopted.

Senate bill No. 105 was then passed.

Mr. McCombs moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m. today, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Anderson the Sergeant-at-Arms was instructed to bring in all absent members not excused for committee work and on account of sickness.

#### HOUSE BILL NO. 8 ON FINAL PASSAGE.

The Speaker laid before the House, as unfinished business, on its final passage,

H. B. No. 8, A bill to be entitled "An Act to define, regulate and license real estate brokers, real estate agents and real estate salesmen within the State of Texas, to create a State Board of Examiners to operate in conjunction with the office of the Commissioner of the General Land Office, and providing for the appointment of such examiners, and fixing their qualifications, compensation and tenure of office."

The bill having been read third time on last Tuesday.

House bill No. 8 then failed to pass by the following vote:

Yeas—55.

Anderson.	Mauritz.
Baldwin.	Maynard.
Beck.	McCombs.
Bradley.	McDonald.
Carpenter.	McKean.
Cox of Navarro.	Mehl.
Cox of Lamar.	Morse.
Dunlap.	Mullally.
Duvall.	Nicholson.
Ewing.	Olsen.
Forbes.	Patterson.
Gates.	Petsch.
Gilbert.	Pool.
Graves of Erath.	Pope of Nueces.
Harman.	Quinn.
Hogg.	Reader.
Holder.	Rountree.
Hopkins.	Savage.
Johnson	Shaver.
of Dimmit.	Simmons.
Johnson of Scurry.	Smith.
Kayton.	Speck.
Keeton.	Stevenson.
Keller.	Tarwater.
Kemble.	Thompson.
Kinnear.	Thurmond.
Land.	Van Zandt.
Loy.	Warwick.
Martin.	

Nays—65.

Ackerman.	Kennedy.
Adkins.	Kenyon.
Albritton.	Kincaid.
Avis.	King.
Baker.	Lee.
Barnett.	Long of Houston.
Bateman.	Mankin.
Bond.	McGill.
Bounds.	Minor.
Brice.	Moore.
Brooks.	Mosely.
Chastain.	Murphy.
Coltrin.	Negley.
Conway.	O'Neill.
DeWolfe.	Palmer.
Enderby.	Pavlica.
Eickenroht.	Pope of Jones.
Finlay.	Prendergast.
Fuchs.	Ray.
Giles.	Reid.
Graves	Renfro.
of Williamson.	Richardson.
Harrison.	Rogers.
Heaton.	Shelton.
Hines.	Shipman.
Hubbard.	Sinks.
Jenkins.	Stephens.
Justiss.	Strong.

Tillotson.	White.
Turner.	Wiggs.
Veatch.	Woodall.
Waddell.	Woodruff.
Wallace.	Young.

Present—Not Voting.

Jones.	Sanders.
Lemens.	

Absent.

Davis.	Sherrill.
Hardy.	Snelgrove.
Harding.	Storey.
Hefley.	Webb.
Long of Wichita.	Westbrook.
Montgomery.	Williams
Purl.	of Travis.

Absent—Excused.

Acker.	Walters.
Cox of Limestone.	Williams
Finn.	of Sabine.
Harper.	Williams
Hornaday.	of Hardin.
Johnson of Smith.	

Paired.

Mr. Gerron (present), who would vote "nay," with Mr. Metcalfe (absent), who would vote "yea."

Mr. McGill moved to reconsider the vote by which the bill failed to pass and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE.

Senate Chamber.  
Austin, Texas, February 8, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 49, A bill to be entitled "An Act to create the State Board of Pharmacy; providing for its appointment, terms and tenure of office and its members; defining its duties and powers; and to regulate the practice of pharmacy, and providing for the licensing of pharmacists and regulating the distribution, compounding and sale of medicines, drugs, chemicals and poisons in the State of Texas; defining the terms pharmacist, pharmacy, drug store, and board; providing penalties, and repealing all existing laws in conflict herewith, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 26 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 26, A bill to be entitled "An Act making it unlawful for the fraudulent taking of cotton and cotton seed under the value of fifty (\$50.00) dollars; making the first offense a misdemeanor and the second and subsequent offenses a felony; and prescribing punishment therefor, and declaring an emergency."

The bill was read third time and was passed.

#### HOUSE BILL NO. 56 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 56, A bill to be entitled "An Act to provide for the taking of testimony of a witness or witnesses in this State, either on written interrogatories or by oral deposition, or any mandate, writ or commission issued out of any court of record in any other State, Territory, district or foreign jurisdiction, and declaring an emergency."

The bill was read third time.

On motion of Mr. McGill the bill was laid on the table subject to call.

#### HOUSE BILL NO. 100 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 100, A bill to be entitled "An Act abolishing the office of Game, Fish and Oyster Commissioner and creating the Game, Fish and Oyster Commission."

The bill was read third time.

On motion of Mr. Graves of Williamson the bill was laid on the table subject to call.

#### HOUSE BILL NO. 122 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 122, A bill to be entitled "An Act to amend Article 4142, Chapter 4, Title 69, of the Revised Statutes of Texas of 1925, so as to provide that the county judge may in his discretion require a guardian of an estate to give bond with one or more corporations authorized to execute surety bonds in this State as surety, in such amount as



may be fixed by the judge, and providing for guardian bonds with two or more good and sufficient sureties to be approved by county judge."

The bill was read third time.

On motion of Mr. Johnson of Dimmit the bill was laid on the table subject to call.

#### BILL RE-REFERRED.

On motion of Mr. Tillotson, by unanimous consent, House bill No. 517 was withdrawn from the Committee on Conservation and Reclamation and referred to the Committee on Public Lands and Buildings.

#### COMMITTEE SUBSTITUTE ORDERED PRINTED.

On motion of Mr. Finlay, by unanimous consent, the committee substitute to House bill No. 117 was ordered printed in lieu of the original bill.

#### RECESS.

On motion of Mr. Albritton, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

#### HOUSE BILL NO. 135 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 135, A bill to be entitled "An Act amending Article 534 of the Penal Code of the State of Texas, making it a penal offense for any person to cause, encourage or contribute to the delinquency of any minor under the age of seventeen years."

The bill was read third time.

On motion of Mr. Harman, the bill was laid on the table subject to call.

#### HOUSE BILL NO. 142 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 142, A bill to be entitled "An Act to appropriate from the general revenue out of any funds not otherwise appropriated the sum of \$175,000, or so much thereof as may be necessary, to be applied to valid claims for the year 1927-1928, and the sum of \$200,000,

or so much thereof as may be necessary, to supplement the appropriation for the years 1929-1930, to carry out the provisions of Chapter 36, General and Special Laws of the Fortieth Legislature."

The bill was read third time and was passed.

#### HOUSE BILL NO. 180 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 180, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas, as amended by Chapter 11 and Chapter 200, Acts of the Regular Session of the Fortieth Legislature, by adding to said Article 1302 a new subdivision, to be known as subdivision 91, providing for incorporation for the establishment, support and maintenance of automobile clubs for mutual benefit and protection of automobile operators, with power to acquire and own all property incident to such business."

The bill was read third time and was passed by the following vote:

Yeas—102.

Mr. Speaker.	Hogg.
Adkins.	Hopkins.
Albritton.	Hubbard.
Avis.	Jenkins.
Baker.	Johnson
Baldwin.	of Dimmit.
Barnett.	Johnson of Scurry.
Bateman.	Justiss.
Bond.	Keeton.
Bounds.	Keller.
Bradley.	Kennedy.
Brooks.	Kincaid.
Carpenter.	King.
Chastain.	Land.
Coltrin.	Lee.
Davis.	Lemens.
DeWolfe.	Long of Houston.
Enderby.	Long of Wichita.
Ewing.	Mankin.
Eickenroht.	Martin.
Finlay.	Mauritz.
Forbes.	Maynard.
Fuchs.	McDonald.
Gates.	McGill.
Gerron.	Mehl.
Gilbert.	Minor.
Giles.	Moore.
Graves	Murphy.
of Williamson.	Negley.
Graves of Erath.	Nicholson.
Hardy.	O'Neill.
Harman.	Pavlica.
Harrison.	Pool.
Heaton.	Pope of Jones.

Prendergast.	Stephens.
Quinn.	Stevenson.
Ray.	Storey.
Reader.	Strong.
Reid.	Tarwater.
Renfro.	Turner.
Richardson.	Van Zandt.
Rogers.	Veatch.
Rountree.	Waddell.
Sanders.	Wallace.
Savage.	Warwick.
Sherrill.	Westbrook.
Shipman.	White.
Simmons.	Williams
Smith.	of Travis.
Snelgrove.	Woodall.
Speck.	

Nays—3.

Cox of Lamar.	Wiggs.
McKean.	

Present—Not Voting.

Brice.

Absent.

Ackerman.	Montgomery.
Anderson.	Morse.
Beck.	Mosely.
Conway.	Mullally.
Cox of Navarro.	Olsen.
Dunlap.	Palmer.
Duvall.	Patterson.
Harding.	Petsch.
Hefley.	Pope of Nueces.
Hines.	Purl.
Holder.	Shaver.
Jones.	Shelton.
Kayton.	Sinks.
Kemble.	Thompson.
Kenyon.	Thurmond.
Kinnear.	Tillotson.
Loy.	Webb.
McCombs.	Woodruff.
Metcalfe.	Young.

Absent—Excused.

Acker.	Walters.
Cox of Limestone.	Williams
Finn.	of Sabine.
Harper.	Williams
Hornaday.	of Hardin.
Johnson of Smith.	

## HOUSE BILL NO. 213 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 213, A bill to be entitled "An Act amending Section 1 of Chapter 22 of the Acts of the Fortieth Legislature, First Called Session, by changing the term and time of holding district court in the county of Cochran, in the

Seventy-second Judicial District of Texas; and declaring an emergency."

The bill was read third time and was passed.

## HOUSE BILL NO. 216 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 216, A bill to be entitled "An Act to validate all school districts created under Chapter 84 of the Acts of the First Called Session of the Fortieth Legislature in 1927, and particularly all independent school districts created under and by virtue of Section 5 of said act."

The bill was read third time and was passed.

Mr. Keller moved a call of the House for the purpose of maintaining a quorum until 5 o'clock p. m., and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Keller, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not excused on account of committee work or sickness.

## HOUSE BILL NO. 231 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 231, A bill to be entitled "An Act amending Chapter 255 of the Acts of the Fortieth Legislature at its Regular Session, by providing that the counties of Dawson and Howard shall be a part of the Eleventh Supreme Judicial District and removing said counties from the Eighth Supreme Judicial District, and providing for the appeal of cases from Dawson and Howard counties to the Court of Civil Appeals for the Eighth Supreme Judicial District prior to September 1, 1929, and for the appeal of cases from Dawson and Howard counties to the Court of Civil Appeals for the Eleventh Supreme Judicial District subsequent to September 1, 1929."

The bill was read third time.

Mr. Graves of Erath offered the following amendments to the bill:

(1)

Amend House bill No. 231, page 1, at line 32, by adding the word "Hood" after the word "Jack."

(2)

Amend House bill No. 231, page 2, at line 24, by striking out the word "Hood."

(3)

Amend House bill No. 231, page 2, at line 35, by adding thereto the following:

"Sec. 2a. That all appeals perfected from Hood county prior to September 1st, 1929, shall be taken to the Court of Civil Appeals for the Tenth Supreme Judicial District, and all cases appealed thereafter shall be appealed to the Court of Civil Appeals for the Second Supreme Judicial District."

(4)

Amend House bill No. 231, page 1, at line 17, by adding the following, "by providing that Hood county shall be a part of the Second Supreme Judicial District and by removing same from the Tenth Supreme Judicial District, and providing for appeals from said county."

The amendments were severally adopted.

House bill No. 231 was then passed.

#### HOUSE BILL NO. 248 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 248, A bill to be entitled "An Act to amend Article 879h, Chapter 215, of the General and Special Laws of the State of Texas, passed by the Fortieth Legislature; and declaring an emergency."

The bill was read third time and was passed.

#### HOUSE BILL NO. 251 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 251, A bill to be entitled "An Act to amend Article 941a of the Penal Code of Texas of 1925, so as to cover Dimmit, Zavala, Medina and Uvalde counties and permit the taking or catching of suckers, buffalo, carp, shad and gar at any time in any fresh water rivers, creeks or lakes in the counties of Burnet, Williamson, Lampasas, Dimmit, Zavala, Medina and Uvalde, with a seine or net with not less than a four-inch size mesh, and providing that catfish, crappie, perch,

bass and other kinds of fish, if any, caught in such seine or net shall be immediately released in the waters where caught, and that the owner or one in possession of said seine or net shall, within five days from and after the using of same, make a report under oath to the Game, Fish and Oyster Commissioner, reporting the name of each and every person in the party and showing in said report that all fish not permitted to be caught or taken were released as aforesaid; and declaring an emergency."

The bill was read third time and was passed.

#### HOUSE BILL NO. 267 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 267, A bill to be entitled "An Act amending Article 941a of the Penal Code of Texas, by striking out the counties of Erath and Hood; and declaring an emergency."

The bill was read third time and was passed.

#### HOUSE BILL NO. 358 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 358, A bill to be entitled "An Act to amend subdivision 38 of Article 199, Title 8, Revised Statutes of 1925, and providing for changing and prescribing terms and times for holding the courts in the counties composing the Thirty-eighth Judicial District of Texas."

The bill was read third time and was passed.

#### HOUSE BILL NO. 118 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 118, A bill to be entitled "An Act to amend Article 880, Revised Criminal Statutes of 1925, as amended by Chapter 24 of the First Called Session of the Thirty-ninth Legislature, so as to make it unlawful to hunt wild deer with dogs in Hardin and Liberty counties."

The bill was read third time.

Mr. Thompson offered the following amendments to the bill:

Amend House bill No. 118 by striking out the word "Trinity" wherever it appears in Section 1.

Amend caption by inserting after the word "Leon" the following, "Trinity."

The amendments were severally adopted.

House bill No. 118 was then passed.

#### HOUSE BILL NO. 413 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 413, A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the Fortieth Legislature, page 275, to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Cass, Bowie, Harrison, Smith and Rusk counties, State of Texas."

The bill was read third time.

On motion of Mr. Prendergast, further consideration of the bill was postponed until next Monday.

#### HOUSE BILL NO. 466 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 466, A bill to be entitled "An Act to amend Article 691 of the Penal Code of Texas as revised in 1925, so as to allow a search warrant to issue in certain instances upon information and belief of two credible witnesses."

The bill was read third time.

Mr. Barnett moved the previous question on the final passage of the bill, and the main question was ordered.

House bill No. 466 was then finally passed by the following vote:

Yeas—71.

Mr. Speaker.	Graves
Ackerman.	of Williamson.
Adkins.	Harman.
Baker.	Holder.
Barnett.	Jenkins.
Bateman.	Johnson of Scurry.
Bounds.	Justiss.
Bradley.	Keeton.
Brice.	Kennedy.
Brooks.	Kincaid.
Carpenter.	King.
Coltrin.	Kinnear.
Conway.	Land.
Cox of Lamar.	Lee.
Davis.	Lemens.
Duvall.	Long of Houston.
Enderby.	Loy.
Ewing.	Mauritz.
Finlay.	McDonald.
Forbes.	Mosely.
Gilbert.	O'Neill.
Giles.	Patterson.
Graves of Erath.	Pope of Jones.

Prendergast.  
Quinn.  
Ray.  
Reid.  
Renfro.  
Richardson.  
Rogers.  
Savage.  
Shaver.  
Sherrill.  
Shipman.  
Simmons.  
Smith.  
Snelgrove.

Speck.  
Stephens.  
Tarwater.  
Veatch.  
Waddell.  
Wallace.  
Warwick.  
Webb.  
White.  
Wiggs.  
Williams  
of Travis.  
Woodruff.  
Young.

Nays—45.

Albritton.  
Anderson.  
Baldwin.  
Bradley.  
Chastain.  
DeWolfe.  
Dunlap.  
Fuchs.  
Gates.  
Gerron.  
Harrison.  
Heaton.  
Hogg.  
Hopkins.  
Johnson of Scurry.  
Kayton.  
Kenyon.  
Long of Wichita.  
Mankin.  
Martin.  
Maynard.  
McCombs.

McGill.  
Mehl.  
Moore.  
Mullally.  
Murphy.  
Negley.  
Nicholson.  
Olsen.  
Pavlica.  
Pool.  
Reader.  
Sanders.  
Storey.  
Strong.  
Thompson.  
Thurmond.  
Tillotson.  
Turner.  
Van Zandt.  
Westbrook.  
Woodall.

Absent.

Avis.	McKean.
Beck.	Metcalfe.
Bond.	Minor.
Cox of Navarro.	Montgomery.
Eickenroht.	Morse.
Harding.	Palmer.
Hefley.	Petsch.
Hines.	Pope of Nueces.
Hubbard.	Purl.
Jones.	Shelton.
Keller.	Sinks.
Kemble.	Stevenson.

Absent—Excused.

Acker.	Walters.
Cox of Limestone.	Williams
Finn.	of Sabine.
Harper.	Williams
Hornaday.	of Hardin.
Johnson of Smith.	

Paired

Mr. Hardy (present), who would vote "nay," with Mr. Rountree (absent), who would vote "yea."

Mr. Barnett moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

Reasons for Opposing House Bill  
No. 466.

This bill I oppose because I believe it to be subversive to the fundamental theory of our Federal and State governments guaranteeing to the individual the right to be safe and secure in his house and home. To break down this safeguard is to disregard this sacred right. He who thus strikes down this portal of safety but lends his influence to the ultimate destruction of free government. I, for one, cannot be a party to such action.

HOPKINS.

I voted against the passage of this bill because I believe it violates the spirit, if not the express words, of the Fourth and Fourteenth amendments to the United States Constitution, and is also in violation to the Constitution of the State of Texas, Article 1, Section 9.

DeWOLFE.

I am a sincere prohibitionist, but I regard this bill as a serious infringement of the rights guaranteed to the citizens of this State by Article 4 of the amendments to the United States Constitution and Section 9 of Article 1 of the Constitution of the State of Texas, and I think that it is more important to secure these rights than it is to facilitate the apprehension and capture of a few bootleggers who might otherwise escape arrest. I furthermore believe that if this bill is passed it will be abused by various peace officers, who will harass and annoy honest citizens whom they dislike by unreasonable searches and seizures under a cloak of legality which will be thrown around them by this law.

McCOMBS.

I believe the bill to be directly opposed to the Bill of Rights, and the courts will so hold.

ANDERSON.

Referring to my vote on House bill No. 466, relating to the amending of the search and seizure law, I will state that I firmly believe in the principles of prohibition as defined by the Constitution of the United States and the Constitution of the State of Texas, and all laws pursuant thereto. I also believe in the sanctity and the security of our

homes. I have but one star to guide me in the casting of my vote, and that is the star of righteousness. I believe that this bill is in direct conflict with the Constitution of the United States and the Constitution of the State of Texas.

GERRON.

HOUSE BILL NO. 473 ON THIRD  
READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 473, A bill to be entitled "An Act making an appropriation to pay the mileage and per diem of the presidential electors of Texas for the year 1929."

The bill was read third time and was passed.

HOUSE BILL NO. 413 ON THIRD  
READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 413, A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the Fortieth Legislature, page 275, to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Cass, Bowie, Harrison, Smith and Rusk counties, State of Texas."

The bill was read third time.

Mr. Johnson of Smith offered the following amendments to the bill:

Amend House bill No. 413 by striking out the word "Smith" wherever it occurs in the caption of the bill.

Amend House bill No. 413 by striking out the word "Smith" wherever it appears in Section 1 and Section 2 in the body of the bill.

The amendments were severally adopted.

House bill No. 413 was then passed.

HOUSE BILL NO. 481 ON THIRD  
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 481, A bill to be entitled "An Act to levy and collect annually a five-dollar road tax against all able-bodied male citizens of Lee county who are subject to road work under the general laws of this State who are between the ages of twenty-one and forty-five years."

The bill was read third time and was passed.

HOUSE BILL NO. 482 ON THIRD  
READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 482, A bill to be entitled "An Act to amend Articles 879c and 879g, Chapter 215, of the General and Special Laws of the State of Texas, passed by the Fortieth Legislature."

The bill was read third time and was passed.

HOUSE BILL NO. 319 ON SECOND  
READING.

On motion of Mr. Hardy, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 319, A bill to be entitled "An Act to amend Chapter 42 of the Acts of the Thirty-ninth Legislature, passed at its Regular Session; and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 319 ON THIRD  
READING.

Mr. Bradley moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 319 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

Mr. Speaker.	Gates.
Ackerman.	Gerron.
Adkins.	Giles.
Albritton.	Graves
Anderson.	of Williamson.
Avis.	Graves of Erath.
Baker.	Hardy.
Baldwin.	Harding.
Barnett.	Harman.
Bateman.	Harrison.
Bounds.	Heaton.
Bradley.	Hogg.
Brice.	Jenkins.
Brooks.	Johnson
Carpenter.	of Dimmit.
Coltrin.	Johnson of Scurry.
Cox of Lamar.	Justiss.
Davis.	Kayton.
DeWolfe.	Keller.
Duvall.	Kincaid.
Enderby.	King.
Ewing.	Kinnear.
Finlay.	Land.
Forbes.	Lee.
Fuchs.	Lemens.

Long of Wichita.

Loy.

Mankin.

Martin.

Mauritz.

Maynard.

McCombs.

McDonald.

McGill.

Mehl.

Moore.

Mosely.

Mullally.

Negley.

Olsen.

O'Neill.

Patterson.

Pavlica.

Pool.

Pope of Jones.

Prendergast.

Quinn.

Ray.

Reader.

Reid.

Richardson.

Rogers.

Savage.

Shaver.

Sherrill.

Shipman.

Simmons.

Smith.

Snelgrove.

Speck.

Stephens.

Storey.

Tarwater.

Thurmond.

Tillotson.

Turner.

Van Zandt.

Veatch.

Waddell.

Wallace.

Warwick.

Webb.

White.

Woodall.

Woodruff.

Young.

Nays—5.

Hopkins.

Kennedy.

McKean.

Renfro.

Westbrook.

Present—Not Voting.

Nicholson.

Wiggs.

Absent.

Beck.

Chastain.

Conway.

Cox of Navarro.

Dunlap.

Eickenroht.

Gilbert.

Hefley.

Hines.

Holder.

Hubbard.

Jones.

Keeton.

Kemble.

Kenyon.

Long of Houston.

Metcalf.

Montgomery.

Morse.

Murphy.

Pope of Nueces.

Purl.

Rountree.

Sanders.

Shelton.

Sinks.

Strong.

Thompson.

Williams

of Travis.

Absent—Excused.

Acker.

Bond.

Cox of Limestone.

Finn.

Harper.

Hornaday.

Johnson of Smith.

Minor.

Palmer.

Petsch.

Stevenson.

Walters.

Williams

of Sabine.

Williams

of Hardin.

The Speaker then laid House bill No. 319 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—103.

Mr. Speaker.	Long of Houston.
Ackerman.	Long of Wichita.
Albritton.	Loy.
Anderson.	Mankin.
Avis.	Mauritz.
Baker.	Maynard.
Baldwin.	McCombs.
Barnett.	McDonald.
Bateman.	McGill.
Bounds.	Mehl.
Bradley.	Moore.
Brice.	Mosely.
Brooks.	Mullally.
Carpenter.	Olsen.
Chastain.	O'Neill.
Coltrin.	Patterson.
Conway.	Pavlica.
Cox of Lamar.	Pope of Jones.
Davis.	Prendergast.
DeWolfe.	Quinn.
Enderby.	Ray.
Ewing.	Reader.
Finlay.	Reid.
Forbes.	Richardson.
Fuchs.	Rogers.
Gates.	Savage.
Gerron.	Shaver.
Gilbert.	Sherrill.
Giles.	Shipman.
Graves	Simmons.
of Williamson.	Smith.
Graves of Erath.	Snelgrove.
Hardy.	Speck.
Harding.	Stephens.
Harman.	Storey.
Harrison.	Strong.
Heaton.	Thompson.
Hogg.	Thurmond.
Johnson	Van Zandt.
of Dimmit.	Veatch.
Johnson of Scurry.	Waddell.
Justiss.	Wallace.
Kayton.	Warwick.
Keller.	Webb.
Kennedy.	White.
Kincaid.	Williams
King.	of Travis.
Kinnear.	Woodall.
Land.	Woodruff.
Lee.	Young.
Lemens.	

Nays—3.

Hopkins.	Westbrook.
Turner.	

Present—Not Voting.

Murphy.	Renfro.
Nicholson.	Wiggs.

Absent.

Adkins.	Beck.
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Cox of Navarro.	Metcalf.
Dunlap.	Montgomery.
Duvall.	Morse.
Eickenroht.	Negley.
Hefley.	Palmer.
Hines.	Pool.
Holder.	Pope of Nueces.
Hubbard.	Purl.
Jenkins.	Rountree.
Jones.	Sanders.
Keeton.	Shelton.
Kemble.	Sinks.
Kenyon.	Tarwater.
Martin.	Tillotson.
McKean.	

Absent—Excused.

Acker.	Petsch.
Bond.	Stevenson.
Cox of Limestone.	Walters.
Finn.	Williams
Harper.	of Sabine.
Hornaday.	Williams
Johnson of Smith.	of Hardin.
Minor.	

#### HOUSE BILL NO. 9 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 9, A bill to be entitled "An Act declaring the use, manufacture, sale, distribution and delivery of ice a public business, impressed with a public trust and subject to public regulation; conferring jurisdiction and authority upon the Railroad Commission of Texas thereover; making it the duty of said commission to adopt rates, charges, rules and regulations governing the manufacture, sale, delivery and distribution of ice, and to correct abuses and prevent unjust discrimination in the rates, charges and practices relative thereto."

The bill was read second time.

On motion of Mr. Webb, further consideration of the bill was postponed until next Monday.

#### HOUSE BILL NO. 15 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 15, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars to confinement in the penitentiary for not less than one nor more than five years, and to define

'owner' as therein used; and declaring an emergency."

The bill was read second time.

Mr. Heaton offered the following amendment to the bill:

Amend House bill No. 15 by striking out line 14.

Mr. Quinn moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12.

Baker.	Lemens.
Barnett.	Pope of Jones.
Bateman.	Prendergast.
Davis.	Quinn.
Gerron.	Ray.
Graves of Erath.	Smith.

Nays—89.

Ackerman.	Long of Wichita.
Adkins.	Loy.
Albritton.	Mankin.
Anderson.	Martin.
Avis.	Mauritz.
Baldwin.	Maynard.
Bounds.	McCombs.
Bradley.	McDonald.
Brice.	McGill.
Brooks.	Mehl.
Carpenter.	Moore.
Chastain.	Mosely.
Coltrin.	Mullally.
Cox of Navarro.	Negley.
Cox of Lamar.	Olsen.
DeWolfe.	O'Neill.
Enderby.	Pavlica.
Ewing.	Pool.
Finlay.	Reid.
Forbes.	Renfro.
Gates.	Richardson.
Gilbert.	Rogers.
Giles.	Sanders.
Graves	Savage.
of Williamson.	Shaver.
Hardy.	Sherrill.
Harman.	Shipman.
Heaton.	Simmons.
Holder.	Snelgrove.
Hopkins.	Speck.
Hubbard.	Stephens.
Jenkins.	Storey.
Johnson	Strong.
of Dimmit.	Tarwater.
Johnson of Scurry.	Thompson.
Justiss.	Thurmond.
Kennedy.	Tillotson.
Kenyon.	Turner.
Kincaid.	Van Zandt.
King.	Veatch.
Land.	Warwick.
Lee.	Webb.
Long of Houston.	Westbrook.

White.  
Wiggs.  
Woodall.

Woodruff.  
Young.

Present—Not Voting.

Harrison.

Absent.

Beck.  
Conway.  
Dunlap.  
Duvall.  
Eickenroht.  
Fuchs.  
Harding.  
Hefley.  
Hines.  
Hogg.  
Jones.  
Kayton.  
Keeton.  
Keller.  
Kemble.  
Kinneer.  
McKean.

Metcalf.  
Montgomery.  
Morse.  
Murphy.  
Nicholson.  
Palmer.  
Patterson.  
Pope of Nueces.  
Purl.  
Reader.  
Rountree.  
Shelton.  
Sinks.  
Waddell.  
Williams  
of Travis.

Absent—Excused.

Acker.	Petsch.
Bond.	Stevenson.
Cox of Limestone.	Wallace.
Finn.	Walters.
Harper.	Williams
Hornaday.	of Sabine.
Johnson of Smith.	Williams
Minor.	of Hardin.

Question then recurring on the amendment, yeas and nays were demanded and the amendment was adopted by the following vote:

Yeas—87.

Ackerman.	Gates.
Adkins.	Gerron.
Albritton.	Gilbert.
Anderson.	Graves
Avis.	of Williamson.
Baker.	Hardy.
Baldwin.	Harman.
Bateman.	Harrison.
Bounds.	Heaton.
Bradley.	Holder.
Brice.	Hopkins.
Brooks.	Hubbard.
Chastain.	Jenkins.
Coltrin.	Johnson
Conway.	of Dimmit.
Cox of Navarro.	Johnson of Scurry.
Cox of Lamar.	Justiss.
Davis.	Kennedy.
DeWolfe.	Kenyon.
Enderby.	Kincaid.
Ewing.	King.
Finlay.	Land.
Forbes.	Lee.
Fuchs.	Long of Houston.



Long of Wichita.	Shaver.
Mankin.	Sherrill.
Martin.	Shipman.
Mauritz.	Simmons.
Maynard.	Snelgrove.
McCombs.	Speck.
McGill.	Stephens.
Mehl.	Storey.
Moore.	Thurmond.
Mosely.	Turner.
Mullally.	Van Zandt.
Olsen.	Veatch.
Pavlica.	Warwick.
Ray.	Webb.
Reid.	Westbrook.
Renfro.	White.
Richardson.	Wiggs.
Rogers.	Woodall.
Sanders.	Woodruff.
Savage.	Young.

Nays—13.

Barnett.	Pope of Jones.
Carpenter.	Quinn.
Giles.	Smith.
Graves of Erath.	Strong.
Hogg.	Tarwater.
McDonald.	Thompson.
McKean.	

Present—Not Voting.

Prendergast.	Tillotson.
Absent.	

Beck.	Morse.
Dunlap.	Murphy.
Duvall.	Negley.
Eickenroht.	Nicholson.
Harding.	O'Neill.
Hefley.	Palmer.
Hines.	Patterson.
Jones.	Pool.
Kayton.	Pope of Nueces.
Keeton.	Purl.
Keller.	Reader.
Kemble.	Rountree.
Kinnear.	Shelton.
Lemens.	Sinks.
Loy.	Waddell.
Metcalfe.	Williams
Montgomery.	of Travis.

Absent—Excused.

Acker.	Petsch.
Bond.	Stevenson.
Cox of Limestone.	Wallace.
Finn.	Walters.
Harper.	Williams
Hornaday.	of Sabine.
Johnson of Smith.	Williams
Minor.	of Hardin.

Mr. McCombs moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 8, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has agreed to concur in House amendments to Senate bill No. 105 by a viva voce vote.

The Senate refuses to concur in the House amendments to Senate bill No. 150, and requests the House for the appointment of a free conference committee to adjust the differences.

The following are appointed as conferees on the part of the Senate: Senators Small, Woodward, Patton, Parrish and Thomason.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### HOUSE BILL NO. 16 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 16, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the blacklands region of Texas, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said board of directors to establish and maintain the same, to accept donations of land, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station and for the operation of same; and declaring an emergency."

The bill was read second time.

Mr. Van Zandt offered the following amendment to the bill:

Amend House bill No. 16, page 2, Section 2, line 31, by striking out after the word "Texas" all enclosed in parentheses in lines 31 and 32.

The amendment was adopted.

Mr. Baldwin offered the following amendments to the bill:

Amend House bill No. 16 by striking out all of Section 4.

Amend House bill No. 16 by striking out from the caption the words "making an appropriation to pay the cost of establishing said station and for the operation of same."

The amendments were severally adopted.

Mr. Woodall offered the following amendment to the bill:

Amend House bill No. 16 by striking out the words "the blacklands region of" wherever they appear in the bill.

The amendment was adopted.

Mr. Kennedy moved the previous question on the passage of the bill, and the main question was ordered.

House bill No. 16 was then passed to engrossment.

### HOUSE BILL NO. 16 ON THIRD READING.

Mr. Westbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.

Mr. Speaker.	Kinnear.
Ackerman.	Land.
Adkins.	Lemens.
Albritton.	Long of Houston.
Anderson.	Long of Wichita.
Baker.	Loy.
Baldwin.	Mankin.
Barnett.	Martin.
Bateman.	Mauritz.
Bounds.	McCombs.
Bradley.	McDonald.
Brooks.	McGill.
Carpenter.	Mehl.
Chastain.	Moore.
Cox of Lamar.	Mosely.
Duvall.	Mullally.
Enderby.	Murphy.
Ewing.	Negley.
Forbes.	Nicholson.
Fuchs.	Olsen.
Gates.	O'Neill.
Gerron.	Patterson.
Gilbert.	Pavlica.
Giles.	Pool.
Graves of Erath.	Pope of Jones.
Harding.	Quinn.
Harman.	Ray.
Harrison.	Reader.
Heaton.	Renfro.
Hogg.	Richardson.
Hopkins.	Rountree.
Jenkins.	Sanders.
Johnson.	Savage.
of Dimmit.	Shaver.
Johnson of Scurry.	Shipman.
Justiss.	Simmons.
Keeton.	Smith.
Keller.	Speck.
Kennedy.	Strong.
Kenyon.	Tarwater.

Thompson.	Westbrook.
Thurmond.	White.
Tillotson.	Williams
Van Zandt.	of Travis.
Wallace.	Woodall.
Warwick.	Young.
Webb.	

Nays—19.

Avis.	McKean.
Brice.	Reid.
Davis.	Rogers.
DeWolfe.	Sherrill.
Finlay.	Snelgrove.
Graves	Stephens.
of Williamson.	Storey.
Kincaid.	Turner.
King.	Veatch.
Maynard.	Wiggs.

Absent.

Beck.	Kemble.
Coltrin.	Lee.
Conway.	Metcalf.
Cox of Navarro.	Montgomery.
Dunlap.	Morse.
Eickenroht.	Palmer.
Hardy.	Pope of Nueces.
Hefley.	Prendergast.
Hines.	Purl.
Holder.	Shelton.
Hubbard.	Sinks.
Jones.	Waddell.
Kayton.	Woodruff.

Absent—Excused.

Acker.	Petsch.
Bond.	Stevenson.
Cox of Limestone.	Walters.
Finn.	Williams
Harper.	of Sabine.
Hornaday.	Williams
Johnson of Smith.	of Hardin.
Minor.	

The Speaker then laid House bill No. 16 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—94.

Mr. Speaker.	Chastain.
Ackerman.	Coltrin.
Adkins.	Duvall.
Albritton.	Enderby.
Anderson.	Ewing.
Baker.	Forbes.
Baldwin.	Fuchs.
Barnett.	Gates.
Bateman.	Gerron.
Bounds.	Gilbert.
Bradley.	Giles.
Brooks.	Graves of Erath.
Carpenter.	Harding.

Harman.	Olsen.
Harrison.	O'Neill.
Heaton.	Patterson.
Hogg.	Pavlica.
Hopkins.	Pool.
Jenkins.	Pope of Jones.
Johnson	Quinn.
of Dimmit.	Ray.
Johnson of Scurry.	Reader.
Jones.	Reid.
Justiss.	Renfro.
Keeton.	Richardson.
Keller.	Rountree.
Kennedy.	Sanders.
Kenyon.	Savage.
Kinnear.	Shaver.
Land.	Shipman.
Lee.	Simmons.
Lemens.	Smith.
Long of Houston.	Speck.
Long of Wichita.	Strong.
Loy.	Tarwater.
Mankin.	Thompson.
Martin.	Thurmond.
Mauritz.	Tillotson.
McCombs.	Van Zandt.
McDonald.	Warwick.
McGill.	Webb.
Mehl.	Westbrook.
Moore.	White.
Mosely.	Williams
Mullally.	of Travis.
Murphy.	Woodall.
Negley.	Woodruff.
Nicholson.	Young.

Nays—17.

Avis.	Maynard.
Brice.	Rogers.
Davis.	Sherrill.
DeWolfe.	Snelgrove.
Finlay.	Stephens.
Graves	Storey.
of Williamson.	Turner.
Kincaid.	Veatch.
King.	Wiggs.

Absent.

Beck.	Kemble.
Conway.	McKean.
Cox of Navarro.	Metcalfe.
Cox of Lamar.	Montgomery.
Dunlap.	Morse.
Eickenroht.	Palmer.
Hardy.	Pope of Nueces.
Hefley.	Prendergast.
Hines.	Purl.
Holder.	Shelton.
Hubbard.	Sinks.
Kayton.	Waddell.

Absent—Excused.

Acker.	Finn.
Bond.	Harper.
Cox of Limestone.	Hornaday.

Johnson of Smith.	Walters.
Minor.	Williams
Petsch.	of Sabine.
Stevenson.	Williams
Wallace.	of Hardin.

## COMMITTEE ANNOUNCED.

The Speaker announced the appointment of the following committee on Senate concurrent resolution No. 14:

Messrs. Holder, Webb, Reid, Giles, Long of Houston, Smith and Mrs. Moore.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 8, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 474, relating to nepotism law in connection with public offices.

Respectfully,

MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

## BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 395, "An Act to establish and create a criminal district court for Jefferson county; to provide for the jurisdiction of and procedure in said court; to provide for the appointment, election, qualifications, duties, powers and compensation of a judge of said court; depriving and divesting the district courts of Jefferson county of jurisdiction of all criminal cases; providing from and after the taking effect of this act for the transfer of all criminal cases from the district courts of the Fifty-eighth and Sixtieth Judicial District courts of Jefferson county to the criminal district court of Jefferson county created by this act; providing that the county attorney, the sheriff and the clerk of the district court of Jefferson county shall be the county attorney, sheriff and clerk of the district court, respectively, of the court created by this act, under the same rules and regulations as are now or may hereafter be prescribed by law for the government of such officials; providing for the fees to be received by such officers for such services, and repealing all

laws and parts of laws in conflict with this act; and declaring an emergency."

S. B. No. 105, "An Act to amend Article 4552 of Chapter 10, Title 71, of the Revised Civil Statutes of 1925; and declaring an emergency."

S. B. No. 138, "An Act authorizing the county judge to employ a stenographer or clerk in any county of less than 100,000 inhabitants according to the last United States census, which county contains a city of more than 43,000 inhabitants according to said census; said stenographer to be paid by the county; regulating the salary of such stenographer, providing for his removal; and declaring an emergency."

S. B. No. 18, "An Act to amend Article 2902, Revised Statutes of 1925, fixing the scholastic age of pupils in the public free schools by reducing the minimum school age to six years; and repealing all laws and parts of laws in conflict therewith."

S. B. No. 65, "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, relating to the fees of the county attorney in any county having a population in excess of 100,000 inhabitants where there is no district attorney, so as to include any county having less than 100,000 inhabitants, but containing a city with a population in excess of 44,000 inhabitants where there is no district attorney; providing a maximum compensation, payable to him out of the fees collected by such county attorney; authorizing reimbursement out of fees collected for certain expenses, and authorizing the employment by such county attorney of assistants, investigators and stenographers; fixing their salaries and providing a method of payment thereof, and providing that such county attorney may collect fees for services rendered in corporation courts, and specifying such fees; and declaring an emergency."

#### CONFERENCE COMMITTEE ON SENATE BILL NO. 150.

Mr. Storey called up from the Speaker's table, for consideration at this time, the request of the Senate for a free conference committee on Senate bill No. 150.

The Speaker laid the request of the Senate before the House.

Question—Shall the request be granted?

Mr. Storey moved that the request be granted.

The motion prevailed.

#### HOUSE BILL NO. 75 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 75, A bill to be entitled "An Act defining the jurisdiction of the Courts of Civil Appeals, and to amend Articles 1819 and 1824 of the Revised Civil Statutes of 1925."

The bill was read second time.

Mr. Williams of Travis offered the following (committee) amendment to the bill:

Amend House bill No. 75 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Articles 1819, 1821 and 1824, Revised Statutes, 1925, be and the same are hereby amended so as to hereafter read as follows:

"Article 1819. The appellate jurisdiction of the Courts of Civil Appeals shall extend to all civil cases within the limits of their respective districts of which the district courts and county courts have or assume jurisdiction when the amount in controversy or the judgment rendered shall exceed \$100, exclusive of interest and costs."

"Article 1821. The judgments of the Courts of Civil Appeals shall be conclusive on the law and facts, nor shall a writ of error be allowed thereto from the Supreme Court in the following cases, to-wit:

"1. Any civil case appealed from the county court or from a district court when, under the Constitution, a county court would have had original or appellate jurisdiction to try it, except in probate matters and in cases involving the revenue laws of the State, or the validity or construction of a statute, or cases involving conflicts between a decision of a Court of Civil Appeals and a decision of the Supreme Court.

"2. All cases of slander.

"3. All cases of divorce.

"4. All cases of contested elections of every character other than for State officers, except where the validity of a statute is questioned by the decision.

"5. In all appeals from interlocutory orders appointing receivers or trustees, or such other interlocutory appeals as may be allowed by law.

"6. In all other cases as to law and facts, except where appellate jurisdiction is given to the Supreme Court and not made final in said Courts of Civil Appeals."

"Article 1824. Said courts, or any judge thereof, in vacation, may issue

the writ of mandamus to compel a judge of the district or county court to proceed to trial and judgment in a cause returnable as the nature of the case may require."

Mr. McCombs raised a point of order on further consideration of the amendment on the ground that the amendment is not germane.

The Speaker overruled the point of order.

Question then recurring on the amendment, it was adopted.

Mr. Williams of Travis offered the following amendment to the bill:

Amend House bill No. 75 by striking out all before the enacting clause and inserting in lieu thereof the following: "A bill to be entitled 'An Act to amend Articles 1819, 1821 and 1824, Revised Statutes of the State of Texas, 1925.'"

The amendment was adopted.

House bill No. 75 was then passed to engrossment.

#### HOUSE BILL NO. 68 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 68, A bill to be entitled "An Act to regulate searches and seizures."

The bill was read second time.

Mr. Woodall offered the following amendments to the bill:

(1)

Strike out all below the enacting clause and insert in lieu thereof the following:

"Section 1. Article 4a of the Code of Criminal Procedure is hereby amended so as to hereafter read as follows:

"Article 4a. It shall be unlawful for any person or peace officer or State ranger to search the private residence, actual place of habitation or place of business of any person without having first obtained a search warrant as required by law; provided, it shall not be unlawful to make any other search with the existence of probable cause.

(2)

Amend House bill No. 68 by striking out all above the enacting clause and insert in lieu thereof the following:

"A bill to be entitled 'An Act to amend Article 4a of the Code of Criminal Procedure of the State of Texas, relating to search and seizure.'"

The amendments were severally adopted.

Mr. Prendergast offered the following amendment to the bill:

Amend House bill No. 68 by adding to the committee amendment the following, "and if on the search of any person or place evidence showing the violation of the criminal law is obtained, it shall be conclusively presumed the search was not unreasonable."

On motion of Mr. Prendergast, further consideration of the bill was postponed until next Monday.

#### REQUESTING SENATE TO RETURN SENATE CONCURRENT RESOLUTION NO. 19.

Mr. Young, by unanimous consent, offered the following resolution:

H. C. R. No. 17, Recalling Senate concurrent resolution No. 19 from the Senate.

Whereas, The House of Representatives has passed finally Senate concurrent resolution No. 19; and

Whereas, It is desirous that said resolution be considered further by the House of Representatives; now, therefore, be it

Resolved, That the House of Representatives request the Senate that said resolution be returned to the House for further consideration.

Signed—Young, Wallace.

The resolution was read second time and was adopted.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Woodruff, by unanimous consent, House bill No. 625 was ordered not printed.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate bill No. 474, to the Committee on Criminal Jurisprudence.

Senate bill No. 49, to the Committee on Public Health.

#### RECESS.

On motion of Mr. Geron, the House, at 5:25 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

**APPENDIX.****STANDING COMMITTEE REPORTS.**

The following committees have today filed favorable reports on bills, as follows:

Education: House bills Nos. 129 and 381.

Banks and Banking: House bills Nos. 469 and 187.

Constitutional Amendments: House joint resolutions Nos. 19, 15 and 16.

Revenue and Taxation: House bill No. 20.

Penitentiaries: House bill No. 567.

State Affairs: Senate bill No. 596; House bills Nos. 608, 408 and 58.

Eleemosynary Institutions: House bills Nos. 550, 314, 270 and 549.

Conservation and Reclamation: House bills Nos. 489 and 589.

Game and Fisheries: House bills Nos. 551, 568, 518, 117, 313, 493 and 555.

The following committee has today filed adverse reports on bills, as follows:

Constitutional Amendments: House joint resolutions Nos. 4, 12, 1, 9 and 17.

In Memory  
of  
C. B. Gillespie

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Mr. Morse offered the following resolution:

Whereas, There has fallen before the Grim Reaper one whose beautiful, unselfish life and character has enriched much of the history of the State, for many years being one of the outstanding newspaper men of the State and at the time of his death vice president and editor-in-chief of the Houston Chronicle, Mr. C. B. Gillespie; and

Whereas, The bereaved family, the newspaper fraternity and the State at large have suffered a great loss in the death of Mr. Gillespie, for he was ever a loving husband and father and an upright citizen, universally beloved by his fellow-man; therefore, be it

Resolved, by the House of Representatives of the Forty-first Legislature, That we express our sympathy to the family and relatives of the deceased; and be it further

Resolved, That this resolution be printed in the Journal and a copy sent to the family of the deceased.

MORSE,  
BRADLEY,  
THOMPSON,  
HOGG,  
ACKER.

The resolution was read second time and was adopted by a rising vote.